

EXHIBIT F

1
2 **UNITED STATES DISTRICT COURT**
3 **MIDDLE DISTRICT OF FLORIDA**
4 **JACKSONVILLE DIVISION**
5 **CASE NO. 3:04-CV-146-99HTS**

6
7 **SEA STAR LINE, LLC,**
8 **a limited liability**
9 **company,**
10 **Plaintiff,**

11 **vs.**

12 **EMERALD EQUIPMENT**
13 **LEASING, INC., a**
14 **corporation**
15 **Defendant.**

16 **-----**
17 **January 26, 2005**

18 **-----**

19 Oral deposition of LORRAINE
20 T. ROBINS, held in the offices of
21 Adelman, Lavine, Gold and Levin, Suite
22 900, Four Penn Center, Philadelphia,
23 Pennsylvania 19103, commencing at 9:30
24 a.m., on the above date, before Pamela J.
25 Gober Bracic, a Federally-Approved
26 Registered Professional Reporter and
27 Commissioner for the Commonwealth of
28 Pennsylvania.

29 **-----**

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36 **ESQUIRE DEPOSITION SERVICES**

37 15th Floor

38 1880 John F. Kennedy Boulevard

39 Philadelphia, Pennsylvania 19103

40 (215) 988-9191

41 **ESQUIRE DEPOSITION SERVICES**

11

LORRAINE T. ROBINS

1 A. I was executive
2 vice-president of the Holt Group, Inc.

3 Q. When did you become
4 executive vice-president of the Holt

5 Group, Inc.?

6 A. When the group was formed?

7 Q. When was the group formed?

8 MR. MOLDOFF: If you know.

9 THE WITNESS: I don't know.

10 It was in the -- I don't know. I

11 would have to look it up.

12 BY MR. ARMSTRONG:

13 Q. Approximately how many years
14 ago was the Holt Group formed?

15 A. The Holt Group was formed --

16 from today?

17 Q. Yes.

18 A. Five.

19 Q. Five years ago?

20 A. Mm-hum, yes.

21 Q. And as executive
22 vice-president, what were your duties and
23 responsibilities?

24 A. I was Tom Holt, Senior's

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12

LORRAINE T. ROBINS

1 assistant.

2 Q. And what did you do as Tom

3 Holt, Senior's assistant?

4 A. Different operations. I did

5 finance, I did sales.

6 Q. What did you do in

7 operations?

8 A. A lot of coordination.

9 Q. What type of coordination?

10 A. Talking to the managers of

11 the piers, conveying any problems that

12 they would have directly to Tom, Senior,

13 and anything that they came to me with.

14 Q. What did you do in finance?

15 A. I set up a lot of payments

16 for various projects that we had. Also

17 dealt, you know, with meetings with our

18 banks.

19 Q. Anything else?

20 A. No.

21 Q. What did you do in sales?

22 A. Sales, together with Tom, we

23 basically – all of the container lines.

24 Originally we would do the contracts with

ESQUIRE DEPOSITION SERVICES

15

LORRAINE T. ROBINS

1 Q. When did you become

2 executive vice-president of Holt Cargo

3 Systems Inc.?

4 A. When the company was formed.

5 Q. When was the company formed?

6 A. I would have to check that

7 date.

8 Q. How long did you remain

9 executive vice-president?

10 A. About 35 years.

11 Q. Do you recall when you ended

12 your executive vice-presidency with Holt

13 Cargo Systems, Inc.?

14 A. No, I do not.

15 Q. As executive vice-president

16 of Holt Cargo Systems, Inc., what were

17 your duties and responsibilities?

18 A. The same as I described

19 before.

20 Q. Operations?

21 A. Mm-hum.

22 Q. What did you do in

23 operations?

24 A. Coordinated with the pier

ESQUIRE DEPOSITION SERVICES

1 programs related to the Holt Logistics
2 system?

3 A. I did not think so. I don't
4 know.

5 Q. You referred to the loading
6 manifest from the MAYAGUEZ. Do you
7 recall when that loading manifest was
8 dated?

9 A. It was dated April 26th to
10 the 27th.

11 Q. Of what year?

12 A. 2002.

13 Q. How did you use the loading
14 manifest from the MAYAGUEZ?

15 A. I took the loads that were
16 on it, and I billed for those.

17 Q. Have you ever changed your
18 billing for those loads?

19 A. Yes, I have.

20 Q. When did you change your
21 billing?

22 A. Recently, because I couldn't
23 get copies of the manifests. I didn't
24 find out about the in-transit until

1 January of this year.

2 Q. This year being 2005?

3 A. No, I'm sorry, 2004. And I

4 didn't do anything on it, because I

5 didn't have the manifest, so I didn't

6 know what was in transit.

7 And recently in the

8 discovery we got a list that shows --

9 it's a Sea Star Line document that shows

10 what was in transit, where they took

11 credits against MBC Leasing, so I have

12 adjusted the billing from the containers

13 on that list for 14 days credit on each

14 unit.

15 And I would also like to

16 point out that there are a lot of

17 mistakes on that, too.

18 Q. On what?

19 A. On the document.

20 Q. On what document?

21 A. The in-transit settlement

22 with MBC on monies that were due Sea Star

23 Line for in-transit moves. I don't have

24 the Bates number on it.

1 A. No, I don't.

2 Q. Do you know when he was last

3 house counsel?

4 A. No.

5 Q. After you received these

6 documents regarding the three ships, did

7 you review them?

8 A. Yes, I did.

9 Q. And have you made any

10 changes in your claims after reviewing

11 these documents?

12 A. Yes, I have.

13 Q. What changes have you made?

14 A. I gave credit for 14 days on

15 the vessels that we had billed -- I mean

16 on the containers that we had billed.

17 Q. Did you make any other

18 changes?

19 A. No.

20 Q. And how did you determine

21 what the on-hire date was for equipment

22 on board these three vessels after you

23 gave the credit?

24 A. Do you know, I gave the

ESQUIRE DEPOSITION SERVICES

LORRAINE T. ROBINS 59

1 credit on April 29th, according to the
2 lease, but I really wanted to discuss it,
3 because I think it should have been to
4 the 27th, because they were already en
5 route.

6 Q. That wasn't my question.

7 How did you determine what the on-hire
8 date for a particular piece of equipment
9 on board one of those vessels was, after
10 you gave that in-transit credit?

11 A. I don't understand your
12 question. The billing that -- if I had
13 billing, I had already -- on the billings
14 that I had for Sea Star Line, say on a
15 40-foot container, I already had Sea Star
16 Line's date that they said they put it on
17 hire, or I had the actual date, if you
18 are familiar with the bills. And then I
19 comment as to how I came to that.

20 Now either -- that didn't
21 change. So that if it was an on-hire
22 date, in lots of instances I took Sea
23 Star Line's on-hire date, because I
24 didn't have any other information. If I

ESQUIRE DEPOSITION SERVICES

LORRAINE T. ROBINS 60

1 know the equipment was on the vessel, I

2 gave them 4/29.

3 Q. You gave them --

4 A. As an on-hire date, I gave

5 Sea Star Line 4/29 as an on-hire date. I

6 had no other information.

7 Q. If the equipment was on

8 board one of these three ships, you have

9 a 4/29 on-hire date?

10 A. Yes.

11 Q. Have you ever changed that?

12 A. I gave credit.

13 Q. What credit did you give?

14 A. I gave them credit for two

15 weeks.

16 Q. Now, did you then set the

17 on-hire date for the day after the

18 two-week credit period?

19 A. What? Pardon me?

20 Q. Correct me if I'm wrong.

21 You say that you billed beginning

22 4/29/2002 for equipment listed on board

23 these three vessels. You gave credit for

24 14 days. Did you then set the on-hire

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LORRAINE T. ROBINS 63

1 started on a certain date. And TIR

2 numbers were given on that comments

3 section, too.

4 Q. Okay.

5 A. The other inventory I had

6 was one from Marty McDonald, which he did

7 sign for, and that was for chassis and

8 gensets. And I gave credit for that.

9 Q. How did you give credit in

10 connection with the June 22nd inventory?

11 A. I just billed it to June

12 22nd.

13 Q. So if it was on the

14 inventory, you stopped your billing as of

15 June 22nd?

16 A. That's correct.

17 Q. Did you make any inquiry as

18 to whether any of the equipment of the

19 June 22nd inventory was in storage or had

20 been in storage prior to June 22nd?

21 A. When I billed, I didn't bill

22 anything to Sea Star Line unless I had a

23 movement of some kind that they had

24 touched it. If they had it, I billed it.

ESQUIRE DEPOSITION SERVICES

1 A. I think that it probably
2 will remain about the same, because when
3 we got certain documents, we found
4 several that we have not billed. And
5 even giving the credits, just checking
6 one or two, it didn't make that much of a
7 difference.

8 Q. How did you determine what
9 units were in Sea Star Line's possession
10 as of April 27, 2002?

11 A. April 22nd?

12 Q. April 27, 2002.

13 A. I wasn't involved with it at
14 that time.

15 Q. Did you make any effort to
16 determine what units were in Sea Star
17 Line's possession as of April 27, 2002?

18 A. As I said, I was not

19 involved in it at that time.

20 Q. Did you make any effort
21 determine what units were in inland
22 depots -- and I am speaking of Emerald
23 units -- as of April 27, 2002?

24 A. I was not involved in that.

1 Q. I understand. When you
2 became involved, did you make any effort
3 to determine what Emerald units had been
4 in Sea Star Line's possession as of April

5 27, 2002?

6 A. The only thing that I
7 received was a list from Mr. Rooks dated
8 the 23rd or the 26th of July, which is a
9 list of containers or equipment that was
10 in various depots.

11 Q. When did you receive the
12 list from Mr. Rooks?

13 A. Maybe it was the end of
14 July, beginning of August '02.

15 Q. When you say depots, are you
16 referring to inland depots?

17 A. Basically they were trucking
18 companies. I guess they were depots.

19 Q. Other than that list, have
20 you made any effort, when you became
21 involved, to determine what Emerald units
22 were in Sea Star Line's possession as of
23 April 27, 2002?

24 A. I, myself, was not, as I

71

LORRAINE T. ROBINS

1 whether any Emerald equipment had been

2 held by third parties as of April 27,

3 2002?

4 A. It wasn't being held, but

5 there were several places where Sea Star

6 Line needed equipment that was at

7 various -- like Thermo King and various

8 places. Could be depots.

9 Not being familiar with Sea

10 Star Line, they wouldn't take their

11 releases -- equipment had an NPR release.

12 Or we couldn't give them an NPR release,

13 because they were out of business.

14 But they would talk to me,

15 because I had done a lot of work with

16 these various truckers and depots, and

17 they knew me, and they wanted -- so I

18 would tell them, they can release it to

19 Sea Star Line or else write them, give

20 them written permission to release it.

21 Q. Did you ever become aware

22 that depots were withholding equipment

23 because of debts that they claimed were

24 owed by NPR?

ESQUIRE DEPOSITION SERVICES

73

LORRAINE T. ROBINS

1 was being held in storage at Sea Star

2 facilities?

3 A. The inventories that I had

4 were the only inventories -- the June

5 22nd, '02, August 15th, '02, July 10,

6 '02, Marty McDonald's and the sands lot.

7 I thought I had them all.

8 Q. How did you determine what

9 equipment was in storage and what

10 equipment was in use by Sea Star Line?

11 A. Again, I have to say, I

12 would go to my documents, to the move

13 histories, to my TIRs, and determine

14 whether it was in use or not.

15 Q. Have you ever read the

16 equipment rental agreement between Sea

17 Star and Emerald?

18 A. Just sections of it.

19 Q. What sections do you recall

20 reading?

21 A. The charges, the rates, per

22 diems, redelivery.

23 MR. ARMSTRONG: Let's take a

24 break.

ESQUIRE DEPOSITION SERVICES

75

LORRAINE T. ROBINS

1 value is set forth in lease for each type
2 of equipment. I have prepared those.

3 Q. And what was your procedure
4 in preparing those billings?

5 A. Any equipment that wasn't
6 returned, that was on our self-billing
7 report after the 30th of November, I
8 considered lost. There had been
9 instances where it was delivered to us
10 later and I've adjusted it.

11 Q. For purposes of preparing
12 the DV billings, you use self billings
13 reports?

14 A. What do you mean DV?

15 Q. I call it depreciated value.

16 You probably call it stipulated value.

17 A. Yes, stipulated.

18 Q. For purposes of preparing
19 those reports, you used the self-billing
20 reports to determine what equipment was
21 in Sea Star's possession?

22 A. I used the schedules and the
23 invoices I sent to Sea Star Line.

24 Q. How did you determine that

ESQUIRE DEPOSITION SERVICES

76

LORRAINE T. ROBINS

1 every piece of equipment on your
2 stipulated value billings had been in Sea

3 Star Line's possession?

4 A. If it was on —

5 MR. MOLDOFF: Objection to

6 form.

7 THE WITNESS: If it was on

8 my billings, I had already

9 determined it had been in Sea Star

10 Line's possession. Again, I show

11 in my comments on my bills how I

12 came to this conclusion.

13 BY MR. ARMSTRONG:

14 Q. I'm going to show you a copy

15 of a Schedule DV 20-foot container

16 8/23/2004, amended. I will ask the court

17 reporter to mark this as Exhibit-1 to

18 this deposition. We will call it

19 Robins-1.

20 - - -

21 (Whereupon, Exhibit Robins-1

22 was marked for identification.)

23 - - -

24 BY MR. ARMSTRONG:

ESQUIRE DEPOSITION SERVICES

82

LORRAINE T. ROBINS

1 been marked as Exhibit 4 to the Emerald

2 deposition.

3 Have you ever seen that

4 document before?

5 When I refer to the Emerald

6 deposition, I'm referring to the

7 deposition in which Arthur Davis appeared

8 as Emerald's designee.

9 A. No, I haven't seen this.

10 Q. Look at paragraph 13 on page

11 eight, please.

12 A. (Witness complies.)

13 Q. Has anyone ever advised you

14 of the storage requirement in the court's

15 order?

16 MR. MOLDOFF: Objection to

17 form.

18 THE WITNESS: No.

19 BY MR. ARMSTRONG:

20 Q. Has anyone ever advised you

21 of the subject matter of paragraph 13 on

22 page eight?

23 A. No.

24 Q. I'm going to show you

ESQUIRE DEPOSITION SERVICES

1 A. I don't recall.

2 Q. What provisions in that

3 document have you reviewed?

4 A. I have reviewed the -- I

5 reviewed this, the Schedule A, which

6 gives you the lease rate, the stipulated

7 loss rate and the damage. I reviewed

8 that. And I reviewed the redelivery.

9 Q. Did you ever look at

10 paragraph one?

11 A. Yes, I've looked at that.

12 Q. Did you discuss the contents

13 of paragraph one with anyone?

14 A. This lease was signed in --

15 dated -- I don't know when it was signed,

16 because there is no date on the signature

17 page -- August '02.

18 The equipment that you are

19 talking about was already in evidence,

20 was already in use, so you couldn't get

21 interchanges on it.

22 Q. How did you determine what

23 equipment was in use on April 29th, 2002,

24 that is, in use by Sea Star?

1 A. Well, this is something that

2 we looked at six months after it had

3 already been in use. So by that time we

4 had the self-billing reports. I would

5 say June, July, August, September, four

6 to five months, took the equipment that

7 was on the self-billing list and

8 considered that in use.

9 Q. So every piece of equipment

10 on the self-billing list you considered

11 in use?

12 A. Yes.

13 Q. Did you consider any other

14 equipment in use?

15 A. Well, later on, yes. In

16 checking the self-billing reports where

17 they had a container in some instances,

18 especially if it came out of Packer

19 Avenue, we could go into the computer and

20 could tell whether it was with a chassis

21 or a container with a chassis or a

22 chassis with a container.

23 So then we would know it was

24 a double move. So we would bill the

1 form.

2 THE WITNESS: In doing my

3 billing I used whatever

4 documentation I had to do the

5 billing. If I had a TIR, I used

6 it. If I had a load that was

7 discharged from a vessel and went

8 out the gate, I used that. If it

9 was on CSX Rail, I used that.

10 I did not get any TIRs from

11 San Juan until discovery. Well,

12 no, no, I'm sorry, that's wrong.

13 I got some in December.

14 BY MR. ARMSTRONG:

15 Q. Did Emerald have

16 representatives in San Juan?

17 A. Yes, they did.

18 Q. Who were those

19 representatives?

20 A. Marty McDonald and Frankie

21 Gonzalez.

22 Q. Did you ever discuss TIRs

23 with Marty McDonald?

24 A. No.

1 Q. Did you ever ask Marty

2 McDonald to get TIRs?

3 A. Well, Marty McDonald would

4 know to get TIRs. He was a steamship

5 man.

6 Q. Did you ask him to get TIRs?

7 A. No, I did not.

8 Q. How long did Marty McDonald

9 remain an Emerald representative in San

10 Juan?

11 A. I do not know the exact

12 date.

13 Q. Did you ask Frankie Gonzalez

14 to get San Juan TIRs?

15 A. I didn't, Arthur Davis did.

16 Q. How do you know that Arthur

17 Davis did?

18 A. Because he told me.

19 Q. When did he tell you that?

20 A. We started getting TIRs in

21 October of '03 and December of '03, and

22 Frankie was assigning them then. But he

23 was signing out for equipment prior to

24 that. That was part of his job.

93

LORRAINE T. ROBINS

1 supervising the accounts payable. And in
2 doing their statements and everything, I
3 got to know these people pretty well.
4 That's why I called.

5 Q. Have you billed Sea Star for
6 Emerald equipment located at the depots
7 listed in that e-mail for the periods
8 prior to May 10, 2002?

9 MR. MOLDOFF: If you know.

10 THE WITNESS: Well, I know
11 that I have billed Illinois Auto
12 as of May 8th, because that's when
13 I wrote a letter telling them to
14 release it to Sea Star.

15 BY MR. ARMSTRONG:

16 Q. When did you start billing
17 Fastlane?

18 A. Fastlane I only would have
19 billed if a unit was put in there by Sea
20 Star after the 27th of June or taken out
21 of there -- I mean of April. On Global,
22 I billed containers with them, because I
23 had information on their loads that they
24 were moving for Sea Star.

ESQUIRE DEPOSITION SERVICES

1 Q. When did you begin billing

2 Global?

3 A. Various bills. It depends

4 on whichever container I had information

5 on.

6 Q. Did you bill Global prior to

7 or for the periods prior to May 10, 2002?

8 MR. MOLDOFF: Objection to

9 form.

10 THE WITNESS: I would have

11 to check his bills.

12 MR. MOLDOFF: You said

13 billed Global.

14 BY MR. ARMSTRONG:

15 Q. Did you bill for equipment

16 located at Empire for periods prior to

17 May 10, 2002?

18 A. I believe so. Prior to

19 when?

20 Q. May 10, 2002.

21 A. I would have to check my

22 records on that.

23 Q. Do you recall?

24 A. I don't recall. You

1 realize, there were a lot of containers

2 moving around.

3 Q. Let me show you a copy of a

4 document that's been marked Exhibit-35 to

5 the Emerald deposition. Do you recognize

6 that?

7 A. I remember -- I don't

8 recognize it, but I remember that they

9 had to have -- they had some sort of a

10 legal question they wanted settled.

11 Q. Did you bill for equipment,

12 Emerald equipment, located at Illinois

13 Auto prior to May 13, 2002?

14 A. I billed for it from May

15 8th, the day that I released it. I sent

16 a letter to Illinois Auto and a copy to

17 Sea Star, releasing the equipment.

18 And the other was a problem

19 that they had to give them some sort

20 of -- I don't know whether it was

21 insurance or what have you. But I do

22 have a letter that I released it on May

23 8th. So I billed from Illinois Auto on

24 May 8th.

103

LORRAINE T. ROBINS

1 MR. MOLDOFF: Objection to

2 form.

3 THE WITNESS: I don't know

4 what he meant.

5 BY MR. ARMSTRONG:

6 Q. Do you recognize the

7 handwriting on that document?

8 A. No, I don't.

9 Q. Let me show you a copy of an

10 e-mail dated July 12, 2002 that I will

11 ask the court reporter to mark as

12 Exhibit-5 to this deposition.

13 - - -

14 (Whereupon, Exhibit Robins-5

15 was marked for identification.)

16 - - -

17 BY MR. ARMSTRONG:

18 Q. This e-mail has some

19 underlinings on it that are not part of

20 the original. Do you recognize this

21 e-mail?

22 A. I don't recall. I don't

23 really recall it.

24 Q. Do you recall any

ESQUIRE DEPOSITION SERVICES

104

LORRAINE T. ROBINS

1 communications with anyone at Walt's

2 Drive Away regarding Emerald equipment?

3 A. I don't recall.

4 Q. Do you recall communications

5 with anyone at Pier West regarding

6 Emerald equipment?

7 A. No.

8 Q. What is Walt's Drive Away?

9 A. It's a trucking company.

10 Q. Is it a depot?

11 A. I don't know if it's a

12 depot.

13 Q. What is Pier West?

14 A. Again, a trucking company.

15 Q. Do you know whether it's a

16 depot?

17 A. No, I don't.

18 Q. Let me show you a copy of a

19 document, an e-mail together with

20 attachment that has been marked as

21 Exhibit-43 to the Emerald deposition.

22 Have you ever seen those documents

23 before?

24 A. I've seen a document similar

ESQUIRE DEPOSITION SERVICES

110

LORRAINE T. ROBINS

1 Q. Have you ever gotten a list
2 of equipment that was in transit overland

3 as of April 26, 2002?

4 A. No.

5 Q. Have you ever --

6 A. Because that would have all

7 been on the ships by then.

8 Q. Have you ever gotten a list

9 of equipment, loads that had been

10 discharged from NPR vessels and was en

11 route to customers, as of April 26, 2002?

12 A. No. The only information I

13 had on discharge is if it was input by

14 Sea Star for the three-week period, from

15 April 27th to whenever they stopped using

16 the systems, because they would put in

17 the name of the customer and the load.

18 Q. And have you ever requested

19 information from Holt oversight as to

20 equipment loads discharged from NPR

21 vessels prior to April 26, 2002 and in

22 route to customers on April 26, 2002?

23 A. Pardon me?

24

ESQUIRE DEPOSITION SERVICES

112

LORRAINE T. ROBINS

1 Exhibit-10 for identification.

2 - - -

3 (Whereupon, Exhibit Robins-10

4 was marked for identification.)

5 - - -

6 BY MR. ARMSTRONG:

7 Q. Do you recognize that

8 document?

9 A. No, I don't recognize it.

10 Q. Let me show you a copy of a

11 document that's been marked as Exhibit-48

12 to the Emerald deposition. Do you

13 recognize that document?

14 A. No, I don't.

15 Q. Do you know why Emerald

16 would be billing Sea Star for a unit that

17 was gate out Packer on April 22, 2002?

18 MR. MOLDOFF: Objection to

19 form.

20 THE WITNESS: I would have

21 to check it, but the -- I would

22 have to check it to see what the

23 load was, because -- I can't tell

24 you from this. I would have to

ESQUIRE DEPOSITION SERVICES

1 check it.

2 BY MR. ARMSTRONG:

3 Q. As of April 22, 2002, any

4 load would have been an NPR load, would

5 it not?

6 A. That's true, but they would

7 have gotten the -- the revenue would go

8 to Sea Star Line.

9 Q. For this load?

10 A. I don't know. I have to

11 check it. But all the revenue for the

12 last week went to Sea Star Line.

13 Q. Who told you that?

14 A. Bob Leach told me that.

15 Because I was having a problem, because

16 they -- the truckers had to be paid. And

17 he guaranteed the payment of the truckers

18 for that week.

19 Q. When you say that week --

20 A. The week between whatever it

21 was and ending on April 26th.

22 Q. When did you have this

23 conversation with Bob Leach?

24 A. I don't know whether it was

1 Q. I show you a copy of e-mails
2 that I will ask the court reporter to
3 mark as Exhibit-12 to this deposition.

4

5 (Whereupon, Exhibit Robins-12
6 was marked for identification.)

7

8 BY MR. ARMSTRONG:

9 Q. Do you recognize that
10 document?

11 A. I probably saw this before,

12 yes. Do you have a specific question?

13 Q. Yes, look at PRMZ 004250.
14 It states in part, "This unit originally
15 went out of Packer Avenue terminal late
16 March '02 for the account of NPR."

17 A. Right.

18 Q. "On May 11, 2002, it
19 delivered a loaded container to Port
20 Elizabeth via your carrier North Star.
21 Based on this information this chassis
22 should have been put on lease from
23 4/27/02 until same is returned in
24 accordance with lease agreement."

1 Is that information that you

2 provided Port Elizabeth?

3 A. Yes, I would have provided

4 that.

5 Q. If the container, loaded

6 container, was delivered to Port

7 Elizabeth on May 11, 2002, what was the

8 basis for saying that this chassis should

9 have been put on lease from 4/27/02?

10 A. Well, originally -- and I

11 had changed them all -- I was using the

12 wrong date. It should be 4/29/02. I

13 would have to check this and -- I know

14 it's been corrected to 4/29/02. But the

15 other reasons, I would have to check it

16 and see what documentation I had.

17 But at that particular time

18 quite a few containers were delivered to

19 Newark or Port Elizabeth. This is when Z

20 Star was using CSX Lines to take their

21 cargo up this way, down to Puerto Rico or

22 somewhere, I don't know where.

23 And again, I don't know what

24 kind of -- we had a Maersk gate log,

1 probably, on this. We didn't go into

2 that, though.

3 Q. Can you tell from this

4 paragraph what information you had?

5 A. No, I can't. I know I had

6 Port Elizabeth, but I can't tell what

7 other information I had. I had something

8 that had Sea Star touching the container

9 and using the container. It was not

10 billed.

11 Q. So if you found that Sea

12 Star touched the container -

13 A. Used it, used it.

14 Q. How did you determine

15 whether a container that Sea Star touched

16 was used by Sea Star?

17 A. Well, look at the next one.

18 Q. I'm asking you in general,

19 how did you make that determination?

20 A. In general?

21 Q. Yes.

22 A. Again, with the

23 documentation that I had.

24 Q. What documentation was that?

123

LORRAINE T. ROBINS

1 A. Mr. Davis took an inventory
2 of how the units were stacked around to
3 make the fence, at which time we did
4 inform Sea Star Line. And I believe they
5 have since -- sometime in March or so,
6 broke down the fence.

7 Q. March of what year?

8 A. '03.

9 Q. How did you learn that Sea
10 Star had broken down the fence in March
11 of '03?

12 A. Mr. Davis was back in Puerto
13 Rico again. I think that is the date.
14 I'm not positive, because he was there
15 again in July of '03. It may have been
16 July of '03 rather than March.

17 Q. Let me show you a copy of
18 e-mails that I will ask the court
19 reporter to mark as Exhibit-14 for
20 identification.

21 - - -

22 (Whereupon, Exhibit Robins-14
23 was marked for identification.)
24 - - -

ESQUIRE DEPOSITION SERVICES

124

LORRAINE T. ROBINS

1 BY MR. ARMSTRONG:

2 Q. Do you recall this e-mail?

3 A. I don't recall the e-mail,

4 but I remember discussing it.

5 Q. With whom did you discuss

6 it?

7 A. With Arthur.

8 Q. What discussion did you

9 have --

10 A. About the container for the

11 AGA group.

12 The question?

13 Q. Do you recall those e-mails?

14 A. Not specifically, but I know

15 that I've read this e-mail before.

16 Q. Look at the bottom of the

17 page, first reference is PRMC 170211.

18 Was that gate out Philadelphia?

19 A. 7/25.

20 Q. 4/25?

21 A. 4/25, yes.

22 Q. That's 4/25/2002?

23 A. Mm-hum.

24 Q. To Roadway. What is

ESQUIRE DEPOSITION SERVICES

1 Roadway?

2 A. Trucking company.

3 Q. And then gate out, 5/7,

4 Elizabeth Roadway?

5 A. Yes, it is gate out.

6 Q. Then gate in, 7/26, Houston,

7 First Coast in your pool?

8 A. Mm-hum.

9 Q. Based on that information,

10 how would you determine that that chassis

11 should have been put on hire as of April

12 27, 2002?

13 A. Based on the fact that -- I

14 would really -- I may have even more

15 information on it if I pulled up my

16 records, but based on the fact that

17 Roadway was a trucker that was used by

18 Sea Star, and Elizabeth was a port where

19 they had delivered quite a bit of cargo,

20 and Houston First Coast is definitely a

21 house carrier for them.

22 Q. Are you saying that PRMC 170

23 211 was gate out Philadelphia on April

24 25, 2002, for Sea Star?

126

LORRAINE T. ROBINS

1 A. I imagine so, yes.

2 Q. That was before the closing,

3 was it not?

4 A. Yes, it was. But it could

5 have been an empty box.

6 Q. Was Sea Star using Emerald

7 equipment before the closing?

8 A. On this one, I have to see

9 what load was with it.

10 Q. Well, look at PRMC 170318.

11 Gate out Philadelphia 4/16 to CSX

12 Railroad. Correct?

13 A. Well, this had to be CSX

14 Railroad Systems, because I would have --

15 if you look at this move history, which

16 we did provide for you, you will see all

17 the various moves it had during that

18 period of time, until it finally ended up

19 in First Coast.

20 Q. Gate out Philadelphia, on

21 April 16th, was 11 days before the

22 closing, wasn't it?

23 A. It was.

24 Q. And that would have been a

ESQUIRE DEPOSITION SERVICES

139

LORRAINE T. ROBINS

1 advised that he had -- that they had
2 equipment -- that Sea Star had equipment
3 at Shaw, and he's saying that he will do
4 what he can to sell the equipment to that
5 place to save them the expense of
6 bringing it back to port.

7 Q. With respect to equipment

8 that he was selling, when did the
9 off-hire end or on-hire end?

10 A. In this case it would be

11 when he sold it.

12 Q. Was that true in every case?

13 A. As long as it was Sea Star

14 equipment that was placed in depots by
15 Sea Star, it was true.

16 Q. Would you take equipment off
17 hire if Arthur Davis asked Sea Star to
18 reserve the equipment for sale?

19 A. No.

20 MR. MOLDOFF: Objection to
21 form.

22 BY MR. ARMSTRONG:

23 Q. You would not take it off
24 hire unless it was actually sold?

ESQUIRE DEPOSITION SERVICES

1 A. Arthur never reserved for

2 sale. He either sold it or he didn't

3 sell it.

4 Q. Look at PRMZ 084059. Gate

5 out JAX, 4/26/02. That was before the

6 closing. Correct?

7 A. That was the day of the

8 closing.

9 Q. The closing was on April 27,

10 2002 at three o'clock a.m., was it not?

11 A. I don't think so. I think

12 the funds changed hands on the 26th.

13 Q. Where did you get that

14 information?

15 A. I don't know.

16 Q. Assume that 4/26/02 was the

17 day before the closing --

18 A. It could have been an

19 in-transit load. Because the last

20 vessel, the MAYAGUEZ, discharged on the

21 26th. In all probability it was gate

22 out -- I would have to look at the report

23 on that.

24 Q. It was gate in Shaw,

141

LORRAINE T. ROBINS

1 7/26/02, per Andy Rooks?

2 A. That was the inventory from

3 Andy Rooks that I spoke to you about, and

4 Shaw is a trucker that NPR never used. I

5 believe he is a house carrier for Sea

6 Star Line.

7 Q. And now, why would you

8 charge per diem for the period between

9 April 26, 2002 and July 26, 2002?

10 A. Well, as I said to you

11 before, Mr. Armstrong, I wasn't aware of

12 the voyaging transit moves, so on this

13 particular one I would have gone back and

14 given them a credit for the 14th days

15 that -- if it was in transit, if it was a

16 load, I would have given them credit for

17 14 days when it was in transit.

18 Q. And you would have assumed

19 that that piece of equipment was in Sea

20 Star's possession at the end of the 14th

21 days?

22 A. Absolutely.

23 Q. And that was the assumption

24 on which you based your revised billing?

ESQUIRE DEPOSITION SERVICES

1 A. If, in fact, I checked this
2 and it was a load discharged from the
3 MAYAGUEZ, who -- and it went out of the
4 terminal, which I should have more
5 information on, because most of my notes
6 were written right on the sheet, I would
7 have, yes.

8 Q. On what sheet?

9 A. The move history sheets.

10 Copies of those were given to you.

11 Q. You show PRMC 151000 in Mr.

12 Davis' e-mail, gate in JAX, 4/26/02. Is
13 that correct?

14 A. Correct.

15 Q. Gate in JAX would have been
16 gate into the NPR terminal. Correct?

17 A. That's correct.

18 Q. Why would something that was
19 gate in JAX 4/26/02 be on Sea Star's
20 self-billing report?

21 A. Well, it could have been a
22 load that went on this ship, because on
23 the 26th the ship was loading down there,
24 also. Or the 27th. I would have to

143

LORRAINE T. ROBINS

1 check the records to see what else I had

2 -- what other documentation I had on this

3 chassis.

4 Q. There is no other

5 information provided in this September

6 16, 2003 e-mail. Is that correct?

7 A. That's correct. That

8 information would have been provided on

9 the billing.

10 Q. I show you a copy of an

11 e-mail dated September 16, 2003. I will

12 ask the court reporter to mark it as

13 Exhibit-21 for identification.

14 - - -

15 (Whereupon, Exhibit Robins-21

16 was marked for identification.)

17 - - -

18 BY MR. ARMSTRONG:

19 Q. Do you recall receiving a

20 copy of that e-mail?

21 A. I don't remember it

22 specifically, but I'm sure that I did.

23 Q. Let me show you a copy of

24 some e-mails dated September 4, 9th and

ESQUIRE DEPOSITION SERVICES

1 MR. MOLDOFF: There is no
2 question pending.

3 BY MR. ARMSTRONG:

4 Q. Let me show you a copy of an

5 e-mail that has been identified as

6 Exhibit-57 to the Emerald deposition.

7 Have you seen that before?

8 A. No, I haven't.

9 Q. Do you know whether you

10 charged per diem for Emerald equipment

11 moved by Sea Star from San Juan to

12 Jacksonville at Arthur Davis' request?

13 A. That bill has not been paid

14 by Emerald as of yet.

15 Q. Do you know whether Emerald

16 charged per diem for that?

17 A. Oh, per diem? No,

18 absolutely did not. Not for the move.

19 We may have charged per diem for the
20 equipment if it was on hire prior to the
21 shipping.

22 Q. When did you take it off

23 hire?

24 A. When it was returned to

1 Arthur Davis in San Juan.

2 Q. You didn't take it off hire

3 when it entered the Sea Star terminal and

4 a TIR was signed?

5 A. It was taken off hire when

6 it was given to Arthur with a TIR and he

7 signed it.

8 Q. Who instructed you to do it

9 that way?

10 A. Who instructed me? Arthur

11 did.

12 Q. Is that what Arthur did?

13 A. Absolutely.

14 Q. And that's what Arthur told

15 you to do?

16 A. No. You are mixing up what

17 I said. What I said is the equipment was

18 taken off hire when Arthur signed the

19 TIRs. Arthur gave me the copies of the

20 TIRs, which I attached to the -- when he

21 came back from Puerto Rico, which I

22 attached to the self-billing reports, and

23 that's when they went off hire.

24 Q. Now, who told you to keep

1 the equipment on hire until Arthur Davis

2 signed those TIRs?

3 A. No one told me that.

4 Q. You made that decision on

5 your own?

6 A. No. I made that decision

7 based upon the documentation I had for

8 each unit. I did not say -- I may not

9 have billed all of them. I can't tell

10 you. I have to check the whole list.

11 Q. You had read the redelivery

12 section of the equipment rental

13 agreement, had you not?

14 A. Mm-hum, yes.

15 Q. You were aware that Sea

16 Star's terminal in San Juan was a

17 designated terminal for redelivery?

18 A. That's correct.

19 Q. And you were aware that a

20 TIR signed by Sea Star in San Juan was a

21 redelivery document. Correct?

22 MR. MOLDOFF: Objection to

23 form.

24 THE WITNESS: No, it was

ESQUIRE DEPOSITION SERVICES

148

LORRAINE T. ROBINS

1 not, because it wasn't a
2 redelivery document unless a
3 representative from Emerald signed
4 it. There was no notification
5 whatsoever on it.

6 BY MR. ARMSTRONG:

7 Q. Now, show me in paragraph
8 ten the provision relating to the
9 requirement that a representative of
10 Emerald sign.

11 A. Paragraph A. From Puerto
12 Rico and -- I very rarely -- we didn't
13 get redelivery notices.

14 MR. MOLDOFF: Objection to
15 form.

16 BY MR. ARMSTRONG:

17 Q. It's a very simple question.
18 Show me the language in paragraph ten,
19 please.

20 MR. MOLDOFF: You can tell
21 him whatever your understanding
22 is.

23 THE WITNESS: It's my
24 understanding.

ESQUIRE DEPOSITION SERVICES

1 equipment, would there be any billings
2 for stipulated value?

3 A. Not if they returned the
4 equipment.

5 Q. Would there be any billings

6 for anything other than per diem on
7 equipment that Sea Star returned?

8 A. That Sea Star returned?

9 Q. Yes.

10 A. No, there would not be.

11 Q. In your calculation of the

12 Emerald equipment leasing invoice to Sea

13 Star, dated August 2003, 2004, you billed

14 for, in part, by category, for 40-foot

15 chassis not terminated as per lease

16 equipment and additional rent. Do you

17 recall that?

18 A. Yes, I do.

19 Q. Does that reflect any

20 chassis that Sea Star returned to

21 Emerald?

22 A. No, it does not. If there

23 were returns later than that bill, they

24 were adjusted.

1 Q. And how were they adjusted?

2 A. I would have to check it.

3 Q. Was there any formula that

4 you used for calculating the adjustment?

5 A. If, in fact, it was a Sea

6 Star return -- I have to see the bill.

7 Q. I'm just asking whether

8 there was a formula that you used in

9 calculating adjustments.

10 A. It depends on when it was

11 returned.

12 Q. Would it be fair to say that

13 any unit that is shown as adjusted was a

14 unit that was returned?

15 A. I think I gave the reason at

16 the bottom of the last page of that bill

17 that you are looking at, why it was

18 adjusted. I haven't seen that -- did I

19 not?

20 Q. When you say that chassis

21 were recovered by an outside agency --

22 MR. MOLDOFF: When she says

23 "where," what were you referring

24 to?

1 MR. ARMSTRONG: Would you

2 let me finish the question?

3 MR. MOLDOFF: No. I think

4 you should show her the document.

5 BY MR. ARMSTRONG:

6 Q. Had Emerald appointed any

7 outside agency to recover chassis in San

8 Juan?

9 A. There was an agent that was

10 working, recovering chassis in San Juan.

11 Q. Who was that agent?

12 A. Ariel -- I have to get his

13 name.

14 Q. Is that his first name?

15 A. That was his first name.

16 And he recovered quite a bit. So on

17 those, what we would do is, we would

18 adjust the stipulated value and subtract

19 from that -- if we got, say, \$1,000 for

20 the chassis when we sold it, after we got

21 it back, I would take that thousand

22 dollars off. I would adjust it by that.

23 As far as the per diem

24 charges go, we are still waiting for an